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SUPREME COURT, U.S.

NO. 80-1013

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1980

FORD MOTOR CREDIT COMPANY
and
HILLTOP LINCOLN-MERCURY, INC.,

Petitioners,

-v-

THADDEUS S. MURPHY,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The respondent Thaddeus S. Murphy moves for leave to proceed in forma pauperis pursuant to Supreme Court Rule 46. Leave to proceed in forma pauperis was not sought in any court below.

The affidavit of the respondent in support of this motion is attached hereto.

Respectfully submitted,

CHACKES and HOARE

Michael J. Hoare
Kenneth M. Chackes
Attorneys for Respondent
314 North Broadway - Suite 1010
St. Louis, Missouri 63102
314/241-7961

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AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED
ON APPEAL IN FORMA PAUPERIS

I, Thaddeus S. Murphy, being first duly sworn, depose and say that I am the respondent in the above-entitled case; that in support of my motion to proceed on appeal without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; and that I believe I am entitled to redress.

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed: No.

   a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

   b. If the answer is no, state the date of your last employment and the amount of the salary and wages per month which you recieved.

      February 1979. $ 600 to $700 per month.

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source? Yes.

   a. If the answer is yes, describe each source of income, and state the amount received from each during the past twelve months.

      Self-employment (painting); approximately $200.00.

3. Do you own any cash or checking or savings account? No.

   a. If the answer is yes, state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes.

   a. If the answer is yes, describe the property and state its approximate value.

      1963 automobile; $100.00.

5. List the persons who are dependent upon you for support and state your relationship to those persons.

   None.

I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

Thaddeus S. Murphy
Thaddeus S. Murphy

Subscribed and sworn to before me this 12th day of January, 1981.

KENNETH M. CHACKES
NOTARY PUBLIC STATE OF MISSOURI
ST. LOUIS CO.
MY COMMISSION EXPIRES SEPT. 28 1984

Kenneth M. Chackes
Notary Public

CERTIFICATE OF SERVICE

The undersigned hereby certifies that pursuant to Rule 28.5, Rules of the Supreme Court, he has served a copy of the foregoing upon all parties required to be served by depositing same in a United States mailbox, first class postage prepaid, addressed to John C. Shepherd, One Mercantile Center, Suite 3000, St. Louis, Missouri 63101, this 12 day of January, 1981.

Michael J. Hoare

Michael J. Hoare

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RESPONDENT'S BRIEF IN OPPOSITION

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REASONS WHY THE WRIT SHOULD NOT BE GRANTED

Respondent Thaddeus S. Murphy suggests that the Court should defer consideration of the instant Petition for a Writ of Certiorari pending the decision in another case raising the same questions presented herein and in which the Court has granted a Writ of Certiorari. Anderson Bros. Ford and Ford Motor Credit Co. v. Olga Valencia and Miguel Gonzalez, No. 80-84, 49 U.S.L.W. 3343 (November 11, 1980). This is an appropriate case for such deferral because the decision in Anderson Bros. will almost certainly be dispositive of the substantive Truth-in-lending disclosure issue herein and may also be dispositive of the issue of prospective application. Petitioners have indicated their agreement to the deferral of consideration of their petition. (Pet. for Writ of Cert. pp. 12-13).

Respectfully submitted,

CHACKES and HOARE

Michael J. Hoare

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